

REMARKS

The applicant has received the Office Action and will respond to the issues in the same order as provided by the Office Action.

Continued Examination Under 37 CFR 1.114

The applicant appreciates the Examiner stating that the provisions of the continued examination procedure were properly followed.

Drawings

The drawings were objected to because the Office Action alleges that the “seal . . . integral to . . . the . . . nozzle body” recited in claim 1 was not shown in the claims. Paragraph 15 of the specification as originally filed identifies elements **50** and **52** which are identified as ridge or ridges integral to the exterior wall of conduit **12** which engage and “seal” with the interior wall **29** with the nozzle body member. Accordingly, since element **50** and **52** were provided in the original drawings and specification, the applicant believes that this objection should be withdrawn.

Claim Rejections Under 35 USC § 112

Claim 1 was properly rejected under 35 USC § 112 as “nozzle body” in claim 1 should have been recited as “nozzle body member.” The amendment to claim 1 addresses this informality.

As it relates to claims 2, 8 and 13, they depend from claim 1. Claim 1 defines “a seal . . . integral to **at least one** of the conduit and nozzle body. . .” Claims 2, 8 and 13 are defined further limit the seal as it relates to the construction towards the conduit. The Office Action proposes that claims 2, 8 and 13 are indefinite when claim 1 defines the seal integral to the

nozzle body. Claim 1 does not define a seal integral to the nozzle body but requires the seal be integral to **at least one** of the conduit and nozzle body.

Accordingly, as it relates to claims 2, 8 and 13, the claimed seal would be at least integral to the conduit and another seal could also be integral to the nozzle body member (or not) in some embodiments. The applicant believes this is a misapplication of 35 USC § 112 as this is believed to be relatively common claim structure. However, if the Examiner provides the section of the MPEP for the applicant to review as it relates to this dependent claim structure style, the applicant would then address this specific rejection as dependent claims are more by their nature limiting in scope than the claim from which they depend.

Claim Rejections under 35 USC § 102

The Office Action maintains the Hinchman rejection of the specific claims. It appears that the Examiner's position as it relates to this rejection has not changed in spite of arguments by the applicant. The applicant still disagrees that element **15** could correlate to a seal as claimed by the applicant. Element **15** is certainly not integral to either the conduit or the nozzle body member as claimed.

Claim Rejections under 35 USC § 103

The various claims were also rejected as being obvious over Ridenour in view of new reference Ito, U.S. Patent No. 4,432,496. The Examiner has properly interpreted the purpose of the bulge **28** with the bulge **45** in Ito as being designed to prevent accidental removal of one portion of the outer cover relative to the inner cover **20**. In fact, the Office Action states that it would have been obvious to provide the "seal of Ito to the device of Ridenour to prevent accidental removal of the nozzle body member."

Fortunately for the applicant, this is not the purpose of the applicant's seal as claimed and therefore, the applicant would propose that the reference and rationale provided by the Examiner teaches away from the construction provided by the applicant as the cooperating bulges in Ito are expressly provided for a different purpose and are not identified as providing the claimed seal.

The claims were also rejected as being unpatentable over Ridenour in view of Hollinshead et al., U.S. Patent No. 6,164,569. Hollinshead does have some integral ribs 104 described as fins. However, these fins are not between the conduit and the nozzle body member as claimed which are connected with a coupling, but instead the fins contact a structure which is different than the structure which the coupling contacts in the Hollinshead et al. reference. There is no teaching to move parts from Hollinshead and make them function with the structure of Ridenour apart the applicant's specification. Accordingly, as affected by the enclosed amendment, this obviousness rejection lacks at least one element claimed by the applicant and thus does not provide a prima facie case of obviousness.

Response to Arguments

The Examiner proposes that the applicant's argument relates to the "function" of the bypass passageway. However, the bypass passageway is claimed structurally. The applicant merely described the function of the claimed subject matter relative to the cited art to show that the cited art does not provide the claimed structure as articulated by the Patent Office in the previous Office Action.

Nevertheless, it is apparent that the applicant and the Examiner differ in their opinion as it relates to the patentability of the claimed subject matter. However, the applicant would sincerely appreciate the Examiner entering this amendment to address the current 35 USC § 112 issues raised by the Examiner so that this case will be in proper form for appeal with the issuance

of a Final Office Action, if necessary. Applicant does find it odd that this Office Action relies on new references to combine with Ridenour to form the obviousness rejections while dismissing the applicant's arguments filed on May 7, 2007, as being non-persuasive. Applicant remains hopeful that this case can avoid the appeal process and would sincerely appreciate the Examiner's help in that regard.

Respectfully submitted,

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on this 28th day of June, 2007.

By: Beverly L. Middleton
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